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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,232	09/10/2003	Gelu Voicu	CAT-12502	7720
22888	7590	02/10/2005	EXAMINER	
BEVER HOFFMAN & HARMS, LLP TRI-VALLEY OFFICE 1432 CONCANNON BLVD., BLDG. G LIVERMORE, CA 94550			MAI, LAM T	
			ART UNIT	PAPER NUMBER
			2819	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/660,232	VOICU ET AL.	
	Examiner	Art Unit	
	LAM T. MAI	2819	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 September 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 11-36 is/are allowed.
 6) Claim(s) 1 and 7-10 is/are rejected.
 7) Claim(s) 2-6 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/04;10/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/13/04 and 10/25/04 have been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Drori et al. (USP 6,555,996).

Regarding claim 1, Drori discloses digital potentiometer in figure 1 that teaches:

A first references terminal (11), an opposite second reference terminal (12) and a wiper terminal (13).

A string (60) of approximate same impedance elemental impedance device.

A plurality of wiper switches (80) each coupled between the wiper terminal and the string.

A bulk impedance device (20,40) having one end coupled to the first end terminal of the string (60) and bulk impedance are between the first (11) and second (12) reference terminal and switchable between the first reference terminal and the second terminal (see col. 3, lines 66-67 and col.4 and col. 5 lines 1-12).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 7-10 are provisionally rejected under the judicially created doctrine of double patenting over claims 37 and 40-43 of copending Application No. 10/660,222. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, digital potentiometer 2 (n) wiper positions including:

A first references terminal (11), an opposite second reference terminal (12) and a wiper terminal (13).

A string (60) of approximate same impedance elemental impedance device.

A plurality of wiper switches (80) each coupled between the wiper terminal and the string.

A bulk impedance device (20,40) having one end coupled to the first end terminal of the string (60) and bulk impedance are between the first (11) and second (12) reference terminal and switchable between the first reference terminal and the second terminal.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Allowable Subject Matter

Claims 2-6 are objected to as being dependent upon a rejected base claim, but they would be considered for allowable if they are rewritten in independent form including all of the limitations of the base claim and any intervening claims. The features of objected claims are not suggested or taught in the prior art.

Claims 11-19 are allowable. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or suggest that one bulk impedance device has an impedance approximately 2 (n-1) times the impedance of none of the elemental impedance device.

Claims 20-23 are allowable. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or suggest that a control circuit that receive an input n-bit wiper address and based thereon controls both a switching of the wiper switches and a selection between having the string provide wiper position in lower half of the 2(n) wiper position and in an upper half of the 2(n) wiper positions.

Claims 24-32 are allowable. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or suggest a method that taping the first string based on a second subportion of the n-bit wiper address.

Claims 33-36 are allowable. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or suggest that at least one bulk impedance device is coupled between the first reference terminal and the first string when an input a-bit wiper address has a logical one most significant bit and is coupled between the second reference terminal and the first string when the most significant bit of the input n-bit wiper address is a logical zero.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM T. MAI whose telephone number is (571)272-1807. The examiner can normally be reached on 6:00 am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Tokar can be reached on (571) 272-1812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lam T. Mai
Art Unit 2819